IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUTH ANNE HARTZELL, Plaintiff	
vs.	2:03cv1920 Electronic Filing
JO ANNE B. BARNHART, Defendant	Judge David Stewart Cercone/ Magistrate Judge Amy Reynolds Hay

ORDER OF COURT

AND NOW, this 26 day of September, 2005, after the plaintiff, Ruth Anne Hartzell, filed an action in the above-captioned case, and after Motions for Summary Judgment were submitted, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion for summary judgment filed by plaintiff (Doc. No. 11) be, and the same hereby is, DENIED;

IT IS FURTHER ORDERED that the motion for summary judgment filed by defendant (Doc. No. 13) be, and the same hereby is, GRANTED; and

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income be, and the same hereby is, affirmed.

DAVID STEWART CERCONE United States District Judge

cc: Honorable Amy Reynolds Hay United States Magistrate Judge R. Christopher Brode, Esq. BRODE LAW FIRM 305 Walnut Street Meadville, PA 16335

Paul Kovac Assistant United States Attorney United States Attorney's Office 700 Grant Street Suite 400 Pittsburgh, PA 15219